

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES	:	
	:	
v.	:	CRIMINAL NO. 09-496-05
	:	
GEORGE BORGESI	:	
	:	

ORDER

AND NOW this _____ day of _____, 2013, upon consideration of the Defendant's Motion to Obtain a Copy of the Sealed Transcript of the testimony that was provided by Frank DiGiacomo in the above-captioned case on November 9, 2012, it is hereby ORDERED that said motion is GRANTED and that counsel for defendants George Borgesi and Joseph Ligambi shall be furnished with a copy of said transcript.

BY THE COURT:

J.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES	:	
	:	
v.	:	CRIMINAL NO. 09-496-05
	:	
GEORGE BORGESI	:	

DEFENDANT'S MOTION TO OBTAIN COPY OF SEALED TRANSCRIPT

Defendant George Borgesi, by and through his undersigned counsel, hereby moves the Court to enter an order allowing defense counsel to obtain a copy of a sealed transcript of prior testimony. In support thereof, movant avers as follows:

1. Defendants George Borgesi and Joseph Ligambi are currently on trial in the above-captioned case.
2. During a prior proceeding, a cooperating witness named Frank DiGiacomo was called by the government to testify on November 9, 2012 pursuant to a plea agreement.
3. Defense counsel intend to call Mr. DiGiacomo as a witness in the ongoing trial and need to review the transcript of his prior testimony in order to adequately prepare for that testimony as well as the cross-examination of cooperating government witness Louis Monacello whose testimony was badly impeached by Mr. DiGiacomo during the prior proceeding.
4. At the request of the government, the transcript of Mr. DiGiacomo's prior testimony has been sealed and as such cannot be obtained by defense counsel via PACER. Further, because the government has decided not call Mr. DiGiacomo as a witness during this trial, it has not produced a copy of the transcript of his prior testimony.

5. For the foregoing reasons, the defense submits that good cause exists for the Court to permit defense counsel to obtain a copy of the sealed transcript of Mr. DiGiacomo's prior testimony.

WHEREFORE, defendant George Borgesi requests the Court to grant this motion and allow his counsel and counsel for his co-defendant to obtain a copy of requested transcript.

Respectfully submitted,

Date: 11/21/13

/s/ Christopher D. Warren

Christopher D. Warren

1500 Walnut Street

Suite 1900

Philadelphia, PA 19102

(215) 546-3750

CERTIFICATE OF SERVICE

I, Christopher D. Warren, hereby certify that on this 21st day of November, 2013, I caused a true and correct copy of the foregoing Defendant's Motion to Obtain Copy of Sealed Transcript to be served upon the following persons by electronic transmission:

Frank Labor, AUSA
John Han, AUSA
615 Chestnut Street
Suite 1250
Philadelphia, PA 19106

/s/ Christopher D. Warren
Christopher D. Warren